

# After 7 years and overturned conviction, Whatcom County man gets shorter sentence for double-stabbing

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KENDALL - A Whatcom County man will be released from prison 10 years earlier than expected, after the state Court of Appeals overturned his attempted murder conviction on the grounds his right to a public trial was violated during jury selection.

A judge sentenced Gregg H. Belyeu, 48, for a second time Tuesday, Feb. 11, on reduced charges of first-degree assault, second-degree assault and first-degree burglary - resolving a case that started in summer 2006.

On a warm August morning Belyeu broke into a house in the 8300 block of Holly Lane and attacked his ex-girlfriend, the mother of his son, with a knife, according to court records.

She'd hosted a barbecue earlier at her house north of Kendall. Most of the guests had gone home. One friend who stayed behind heard dogs barking around 1:50 a.m. He saw a man coming toward the house and knew it was Belyeu, 41, who had made recent, escalating threats to harm the woman. So the 42-year-old man slammed the sliding glass door on him. The handle broke. Belyeu forced his way in and stabbed the man in the chest.

Once inside, Belyeu charged at his ex-girlfriend on the couch. He stabbed her until others in the home beat him unconscious with an ax handle and a shovel. Both victims survived.

Superior Court Judge Steven Mura sentenced Belyeu to 27 1/2 years in prison after a jury found him guilty of attempted murder in the first degree, assault in the second degree, burglary in the first degree and violating a no-contact order.

However, the Court of Appeals overturned the convictions last March.

It was common around the time of Belyeu's trial for judges to close the courtroom if jurors wanted to confide their personal history and how it might prejudice the case, especially if the crime related to sexual assault or, in the example of Belyeu, domestic violence.

But a Washington state ruling in 2009, *State v. Strode*, found that kind of closure could be grounds for a retrial, "in all but the most exceptional circumstances," because defendants have a constitutional right to a public trial, according to the Court of Appeals. Exceptions are outlined in

what's called the Bone-Club analysis, a five-point test named after a court case that originated in Whatcom County in the 1990s.

Two jurors in Belyeu's case were dismissed while the courtroom was briefly closed, without Belyeu having a chance to object, under circumstances that didn't meet standards set by Bone-Club.

As a result, Belyeu's case was returned to Bellingham for a new trial.

"It's just terribly disappointing to have to come back," said Dave McEachran, the county prosecutor. "The Supreme Court changed the rules after we'd played the game in good faith."

In the meantime two key witnesses, Dale Webley and Richard Braddy, died. Prosecutors subpoenaed others who'd testified the first time around - their memories now seven years removed from that morning - with plans to head to a second trial this week.

Instead, late Saturday afternoon, McEachran and Belyeu's public defender, Starck Follis, came to a plea deal that would put Belyeu behind bars for 16 years and eight months, a reduction of more than 10 years from the original prison term handed down in 2007.

Belyeu, in a dry voice, told Judge Charles Snyder he'd rather not speak before his sentencing Tuesday in Whatcom County Superior Court.

The victim, 37, asked Snyder to sentence Belyeu to the fullest extent of the law.

"I carry around six scars that are a constant reminder of that night," Gabrielle Knotts read from a prepared statement. "But they also remind me that I am also a survivor."

Snyder approved the plea deal.

"A lot of time has passed," Snyder said. "Many things have changed. It makes it, I think, a lot harder to say we can come back and do it all over again."

"Another trial," he added, "may not have resulted in anything better, anything longer, anything more satisfying for (the victims). It may have resulted in something that they would have been more uncomfortable with. We can't know."

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